

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,
Plaintiffs,

v.

TOM TORLAKSON, et al.,
Defendants.

Case No. [96-cv-04179-VC](#)

**ORDER RE PARTIES' PROPOSALS IN
ADVANCE OF HEARING**

As discussed at the case management conference, the Court is of the view that the existing process for evaluating the state's compliance with the consent decree is cumbersome, lacks transparency, and could be better geared towards achieving prompt compliance. The plaintiffs and the California Department of Education are therefore ordered to each propose a new process for how the Court will evaluate the state's compliance with the consent decree moving forward. The proposals are due on March 12, 2018. If the Ravenswood School District wishes to submit a response to the proposals, it must do so by March 16, 2018. A hearing on these proposals will take place on March 26, 2018 at 10:30 am.

The Court assumes that it will receive separate proposals from the plaintiffs and the California Department of Education. The proposals should start from scratch, without reference to any processes that have been adopted previously. As stated at the case management conference, the Court is of the tentative view that regular testimony by the policymakers responsible for ensuring state compliance with federal law is a necessary part of the path forward.


The Court is operating under the assumption that the Corrective Action Plan, even though

it is somewhat difficult to understand, adequately reflects what is needed for the state to achieve compliance with the consent decree and with federal law. Of course, if the parties wish to consolidate various items to address overlap, or identify items that may be addressed concurrently rather than sequentially, they may do so.

At the March 26 hearing, the Court wishes to hear from the key policymakers to get their views on the ability of the state to achieve compliance with federal law in short order. The parties should indicate in their filings who they believe should be speaking at the hearing. (The parties should also indicate whether the policymakers should actually testify under oath or simply make presentations.) In addition, the state should provide a list of the names, titles, and job descriptions of all key people in the Special Education Division who are responsible for ensuring compliance with federal law.

IT IS SO ORDERED.

Dated: January 30, 2018



VINCE CHHABRIA
United States District Judge